

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.01.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.27575 of 2019
&
WMP.No 27064 of 2019

A.Deviga

Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication issued by the 3rd respondent in No.Nill dated 12.10.2018 and to quash the same and consequently directing the respondents to select and appoint the petitioner to the post of Physical Education Teacher in School Education based on the marks secured by the petitioner in the written examination (58 marks) and Certificate Verification (5 marks) under STW category on par with juniors, with all consequential benefits.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.Suresh Kumar
Government Advocate for R1 & R2
Mr.C.Munusamy
Special Government Pleader for R3

O R D E R

This petition has been filed challenging the impugned communication of the 3rd respondent dated 12.10.2018 and to consequently direct the respondents to select and appoint the petitioner to the post of Physical Education Teacher in School Education.

2.The 3rd respondent issued a notification dated 26.07.2017 calling for applications to fill up the post of Special Teachers including Physical Education Teachers (PET). As per the notification, 632 vacancies to the post of PET were notified for School Education and 11 vacancies were involved for Elementary Education. The educational qualification as prescribed in the notification is extracted hereunder:

4.Qualifications:

b) Educational Qualifications:

The candidates with UG/PG Degree should have been studies in the pattern 10+2+3+2/10+3+3+2/11+2+3+2 as per the G.O.242 Higher Education (P1) Department Dt.18.12.2012.

3.The selection procedure involved was written examination, certificate verification and the short listed candidates will be called based on the communal rotation.

4.The petitioner had applied for the post of PET and he participated in the written examination conducted on 23.09.2017. The petitioner secured high marks in the written examination and the 3rd respondent published the provisional list of the candidates and called them for certificate verification. The petitioner appeared for certificate verification and produced all certificates. While so, the 3rd respondent issued a provisional selection list on 12.10.2018, whereby results were published for 632 posts and the name of the petitioner was not included in the selection list and he was kept under reserved caption.

5.The petitioner was not selected on the ground that he did not possess the required qualification and the same has been made a subject matter of challenge in this writ petition.

6.Mr.G.Sankaran, learned counsel appearing on behalf of the petitioner submitted that the petitioner had completed C.P.Ed., offered by the Karnataka State. This was considered not equivalent to H.P.Ed., The learned counsel submitted that the Division Bench of this Court had an occasion to deal with the issue and the Division Bench has gone into the manner in which

the qualification kept changing from time to time from H.P.Ed., to C.P.Ed., and from C.P.Ed., to B.P.Ed., The learned counsel submitted that the Division Bench had categorically held that persons who have completed C.P.Ed., (one year) course obtained from Karnataka University were considered to be equivalent to H.P.Ed., during the previous recruitment and therefore, the Government and Teachers Recruitment Board are estopped from contending that persons with C.P.Ed., (one year) obtained from Karnataka University are not eligible as per the amended Rules.

7.The learned counsel concluded his submission by bringing to the notice of this Court G.O.Ms.No.218, dated 06.12.2019. The relevant portions in the Government order is extracted hereunder:

S.No	Resolution	Recommendation
3	Resolution No.113 Public Services - Educational Qualification - Consideration of C.P.Ed., offered by Karnataka State as to whether equivalent to Lower Grade/Higher Grade course of the Director of Government Exams, Tamil Nadu to the purpose of Employment in Public Services.	Equivalent

6.The Government after careful consideration, decided to accept the above resolutions passed in the second Equivalence Committee Meeting held on 06.11.2019 and direct that the above courses offered by various Universities are equivalent to that of the similar courses mentioned therein from the date of issuance of such degrees/diploma.

8.The learned counsel submitted that by virtue of this Government order, the controversy has been resolved and the C.P.Ed., offered by the Karnataka State is now considered to be equivalent.

9.The 3rd respondent has filed a counter affidavit in this case.

10.The learned Special Government Pleader appearing on behalf of the respondents submitted that the judgment of the Division Bench cannot be taken as a precedent in the present case since, the Division Bench itself has held that, the said judgment cannot be taken advantage by the other candidates who have not come forward to challenge their non-selection.

11.This Court has carefully considered the submissions made on either side and also the materials available on record.

12.All the issues that have been raised in the present petition need not be gone into by virtue of the latest Government order that was passed in G.O.Ms.No.218, dated 06.12.2019. The relevant portions have been extracted supra. It clearly shows that C.P.Ed., offered by Karnataka State is now being considered an equivalent and this recommendation of the Equivalence Committee has also been accepted by the Government. In view of this, the candidature of the petitioner will have to be considered, since she has also obtained C.P.Ed., from the Karnataka Secondary Education Examination Board. This has now been declared equivalent by the Equivalence Committee.

13.In view of the above discussion, the impugned communication of the 3rd respondent dated 12.10.2018 is hereby quashed and the 3rd respondent is directed to consider the candidature of the petitioner and proceed further with the selection and appointment of the petitioner to the post of Physical Education Teacher, if the petitioner is found otherwise eligible.

14.This writ petition stands allowed with the above direction. Consequently, connected miscellaneous petition is closed. No Costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr

To

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

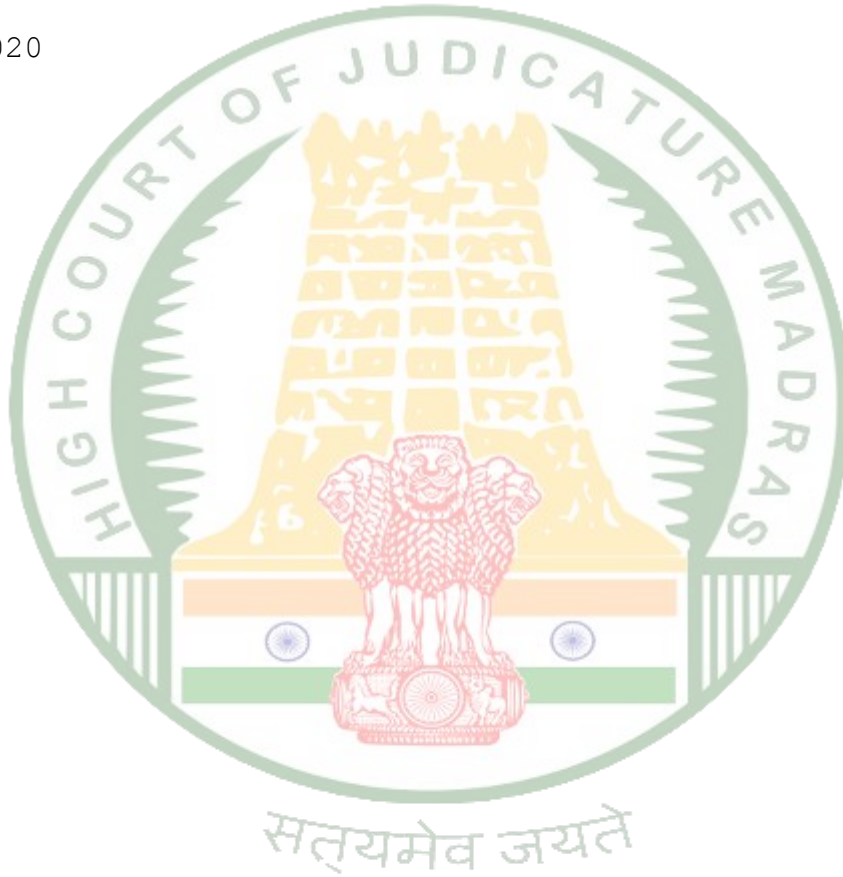
2. The Director of School Education,
DPI Campus, College Road,
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3. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

+1 cc to Mr.G.Sankaran advocate sr5988

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